

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:) Chapter 7
)
AKORN HOLDING COMPANY LLC, *et al.*,) Case No. 23-10253 (KBO)
)
Debtors.¹) (Jointly Administered)
)

**CERTIFICATION OF COUNSEL REGARDING ORDER APPROVING STIPULATION
FURTHER EXTENDING DEADLINE TO DELIVER EARNOUT STATEMENT**

The undersigned counsel for Thea Pharma Inc. (“TPI”), a creditor and party in interest in the above-captioned chapter 7 cases, hereby certifies as follows with respect to the proposed order, attached hereto as **Exhibit A** (the “**Proposed Order**”), approving a stipulation pursuant to which the parties agree to extend TPI’s deadline to deliver the Earnout Statement under the APA (the “**Stipulation**”):²

1. Prior to the commencement of these chapter 7 cases, TPI and Akorn Operating Company LLC (“Seller”) entered into that certain Asset Purchase Agreement (the “**APA**”), pursuant to which TPI is obligated to, among other things, tender to Seller an Earnout Payment attributable to the Second Earnout Period and deliver to Seller an Earnout Statement in connection therewith.

¹ The Debtors in these chapter 7 cases, along with the last four digits of their federal tax identification numbers, and cases numbers are Akorn Holding Company LLC (9190), Case No. 23-10253 (KBO); Akorn Intermediate Company LLC (6123), Case No. 23-10254 (KBO); and Akorn Operating Company LLC (6184), Case No. 23-10255. The Debtors’ headquarters is located at 5605 CenterPoint Court, Gurnee, IL 60031.

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Stipulation.

2. TPI and the Trustee have agreed to (i) further extend the deadline to deliver the Earnout Statement by forty-five (45) days, to August 12, 2024, and (ii) reserve the Parties' respective rights, claims, causes of action, and defenses in their entirety.

3. The Trustee has reviewed the Proposed Order and does not object to its entry.

WHEREFORE, TPI respectfully requests that the Court enter the Proposed Order attached hereto as **Exhibit A** approving the Stipulation at its earliest convenience.

[Signature page follows]

Dated: June 27, 2024
Wilmington, Delaware

/s/ Curtis S. Miller

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